

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AMANA COLONIES TELEPHONE COMPANY	DOCKET NO. WRU-99-11-301
---	--------------------------

ORDER DENYING REQUEST FOR WAIVER

(Issued April 30, 1999)

On March 16, 1999, Ms. Liz Klimes, a customer of Amana Colonies Telephone Company (ACTC), filed a request for a waiver of certain Board rules relating to establishing extended area service (EAS) as applied to a recent vote for EAS to Cedar Rapids and the surrounding communities. Ms. Klimes sought a waiver of IOWA ADMIN. CODE 199-22.8(3), which provides that a customer survey for two-way EAS need not be taken more than once in any 18-month period. Ms. Klimes also asked that the Board direct ACTC to re-survey its customers regarding EAS to the Cedar Rapids and South Slope exchanges.

In support of her request, Ms. Klimes stated that the survey conducted by ACTC did not allow sufficient time for publishing a notice in the local bulletin. Ms. Klimes also stated that the 3 x 5 voting card used by ACTC may have been unnoticed by some customers. The result of the survey was that 59.7 percent of the returned ballots voted in favor of EAS to Cedar Rapids and South Slope exchanges,

failing to meet the 65 percent requirement of IOWA ADMIN. CODE 199-22.8(3)"a"(3).

On April 9, 1999, ACTC filed a response to the petition, stating that ACTC followed the time frames specified in the Board's rules when it conducted the customer survey. Specifically, IOWA ADMIN. CODE 199-22.8(3)"a"(5) requires ballots to be returned a minimum of ten days, and a maximum of 20 days, from the date on which the survey letter is mailed. The ballots are not to be counted for at least three days following the survey closing date to allow all return cards to clear the post office. Results are to be provided to the Board within 15 days of the return date.

In this instance, ACTC required ballots to be returned within 13 days of the mailing date (January 13, 1999), ballots were counted for six days after the return date (so long as the postmark met the January 26 deadline), and the results were filed with the Board 14 days after the return date. ACTC also offered a letter from its mailing contractor, intended to show that the ballots were mailed on January 13, 1999, the date shown on the ballots.

ACTC appears to have complied with the relevant Board rules when conducting its survey process. No basis has been shown for waiving the Board's rules regarding EAS surveys and there appears to be no reason to order ACTC to re-survey its customers. The request for waiver will be denied.

IT IS THEREFORE ORDERED:

The request for waiver filed on March 16, 1999, identified as Docket No. WRU-99-11-301, is denied.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Paula S. Dierenfeld

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

Dated at Des Moines, Iowa, this 30th day of April, 1999.